

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DANIELLE NICOLE CANTERBURY,)	Case No. 5:22-cv-1741
)	
Plaintiff,)	JUDGE DONALD C. NUGENT
)	
v.)	
)	<u>ORDER ADOPTING</u>
)	<u>MAGISTRATE’S REPORT AND</u>
COMMISSIONER OF)	<u>RECOMMENDATION</u>
SOCIAL SECURITY,)	
)	
Defendants.)	

This matter comes before the Court upon Report and Recommendation of Magistrate Judge Thomas M. Parker. The Report and Recommendation (ECF #10), issued on April 26, 2023, is hereby ADOPTED by this Court, without objection.

Plaintiff sought review of the Commissioner’s denial of her request for disability insurance benefits (“DIB”) and Supplemental Security Income (“SSI”). The administrative law judge (“ALJ”) determined that Ms. Canterbury’s vasculitis impairment was not “severe” and Ms. Canterbury had the residual functional capacity (“RFC”) to perform light work. (ECF #10, PageID #1247-48).

Ms. Canterbury alleges that the ALJ erred in his decision by (i) determining that her vasculitis impairment was not “severe”; (ii) failing to address whether she met the criteria for Listing 14.03A; and (iii) misevaluating the opinion evidence and her subjective symptom complaints (ECF #10, PageID #1247). Determining that the ALJ applied proper legal standards and reached a decision supported by substantial evidence, Magistrate Judge Parker recommends that the Commission’s final decision to deny Canterbury’s applications for DIB and SSI be affirmed. *Id.*

In Ms. Canterbury's initial brief, she challenges the ALJ's Step Two finding that her vasculitis impairment was not "severe." (ECF #10, PageID #1265). The extent of Ms. Canterbury's argument on this issue was simply that the medical evidence clearly established that her vasculitis was severe, and it impaired her ability to work. *Id.* On this challenge, Magistrate Judge Parker determined that Ms. Canterbury's argument is forfeited for lack of development, and that the ALJ considered Ms. Canterbury's vasculitis impairment at later steps in the sequential evaluation process several times. *Id.* Magistrate Judge Parker recommends that Canterbury's Step Two challenge be rejected. *Id.* (ECF #10, PageID #1266).

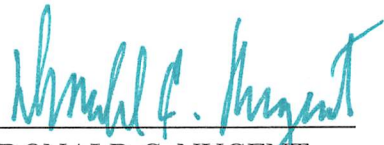
On Ms. Canterbury's challenge that the ALJ erred by not evaluating whether she met or equaled the criteria of Listing 14.03A (systemic vasculitis), the Magistrate Judge determined that Ms. Canterbury did not meet her burden to raise a substantial question about whether she met all the criteria. (ECF #10, PageID #1268). Furthermore, the Magistrate Judge notes that Ms. Canterbury cited no evidence to support her arguments that her vasculitis involved her mental system, and she did not attempt to argue how that involvement would rise to a "moderate level of severity." *Id.* Additionally, Magistrate Judge Parker states that the ALJ credited Dr. Vladimir V. Karpitskiy's opinion. *Id.* Dr. Karpitskiy opined that Ms. Canterbury would not have greater limitations stemming from a neurological medical impairment. (ECF #10, PageID #1263). The Magistrate Judge recommends that Ms. Canterbury's Step Three claim regarding Listing 14.03A be rejected because the ALJ's findings were consistent with the regulations and supported by substantial evidence. (ECF #10, PageID #1269).

Lastly, Ms. Canterbury claims that the ALJ misevaluated the opinion evidence and her subjective symptom complaints. (ECF #10, PageID #1247). Magistrate Judge Parker determined

that there was no basis for remand based on Ms. Canterbury's arguments of inconsistency between the ALJ's RFC finding and the opinions of the State Agency Consultants, Dr. Tawnee Tanner, Dr. Cathy Sila, and Dr. Vladimir Karpitskiy. (ECF #10, PageID #1270-1275). The Magistrate Judge also found that the ALJ applied proper legal standards based on substantial evidence in the evaluation of Canterbury's subjective symptom complaints. (ECF #10, PageID #1276).

The Court has reviewed *de novo* the Report and Recommendation, *see Ohio Citizen Action v. City of Seven Hills*, 35 F. Supp. 2d 575, 577 (N.D. Ohio 1999). Magistrate Judge Parker was thorough and correct in the application of the law and assessment of the relevant facts. The Court, therefore, ADOPTS the Magistrate Judge's Report and Recommendation in its entirety. The Commissioner's decision denying Ms. Canterbury's application for DIB and SSI is AFFIRMED.

IT IS SO ORDERED.


DONALD C. NUGENT
United States District Judge

DATED: May 31, 2023